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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,228	03/18/2004	Mark J. Zinski	MZ-32763	5625
22202	7590	06/01/2006	EXAMINER	
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SUITE 1900			ART UNIT	
MILWAUKEE, WI 53202			PAPER NUMBER	
			1746	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/803,228	<b>Applicant(s)</b> ZINSKI ET AL.	
	<b>Examiner</b> Saeed T. Chaudhry	<b>Art Unit</b> 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06-2006, 02-2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) he has abandoned the invention.
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- (f) he did not himself invent the subject matter sought to be patented.
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**Claims 1, 8, 11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Joyal.**

Joyal (4,984,746) disclose a method and apparatus for spraying fluid to an undercarriage of an automobile by a sprayer. The sprayer has a T-shaped frame with a castor wheel at the base of the T and two steerable wheels at the ends of the cross bar. A handle connected to the frame at the intersection of the T is used to manipulate the sprayer and to steer the wheels through the use of a rotating hand grip. Spray nozzles are spaced along the base arm of the T-frame and may be arranged to pivot from side to side under the control of an operator (see abstract).

Referring to the accompanying drawings, and especially to FIGS. 1 and 2, there is illustrated an

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under carriage sprayer 10 with a T-shaped casing 12 consisting of an elongate base arm 14 and a cross bar 16. Three lateral slots 18 are formed in the base arm 14, with spray nozzles 20 projecting through the slots to spray a washing or other liquid upwards from the sprayer 10. At the ends of the cross bar 16 are two convex, circular mirrors 22 that assist in viewing the underside of a vehicle as it is being sprayed.

A handle 24 is pivotally connected to the center of the cross bar 16 of the sprayer by a bracket 26. At the free end of the handle 24 is hand grip 28 that is used for manipulating and operating the sprayer (see col. 2, lines 32-45, and Figs. 1-2). A hose coupling 68 is fitted to the end of the spray conduit 40 and to a hose 70 that extends through the handle 24 to the hand grip 28. The hand grip contains a valve (not shown) operated by a trigger 72. The end of the hand grip carries a hose fitting 74 for connection to a pressure hose for receiving a supply of washing liquid (see col. 3, lines 32-37).

In operation of the sprayer 10, the hose fitting 74 is connected by a conventional hose (not shown) to a source of water or other liquid, for example a detergent solution or a rust-inhibiting liquid. The sprayer is then rolled under the vehicle to be sprayed and, when properly positioned, the trigger is pulled to cause the pressurized washing liquid to pass through the valve in the hand grip, through the hose 70 along the handle and into the spray conduit 40. The liquid is then sprayed through nozzles 20 onto the under side of the vehicle. The orientation of the nozzles 20 may be altered by rotating the hand grip 28, which rotates the hose 70 and through it the spray conduit 40. That section of the hose between the handle 24 and the hose coupling 68 serves as a flexible universal joint. To move the sprayer from place to place

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under the vehicle, the hand grip may be used to steer the vehicle by steering the wheels 52 (see col. 3, lines 38-56).

Joyal discloses all the limitations such as a handle, a base, at least three wheels, at least two nozzles, at least one channel to communicate to nozzles, handle include a trigger gun, fluid impacting a continuous area, shape a T, and mirror on the base as claimed herein. Therefore, Joyal anticipate the claimed apparatus.

### **Claim Rejections - 35 USC § 103**

**The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 7, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyal as applied to claim 1 above, and further in view of Unger.**

Joyal was discussed supra. However, the reference fails to disclose that the handle has horizontal and a vertical component, or handle is detachable or orifices locations along a first axis which is parallel to the ground and substantially perpendicular to a second axis.

Unger (4,580,726) discloses a method and apparatus for spraying liquid under a motor vehicle, wherein the handle is detachable from the base and orifices along a first axis which is parallel to the ground and substantially perpendicular to a second axis (see col. 2, lines 49-53 and Fig. 1).

It would have been obvious at the time applicant invented the claimed process and apparatus to incorporate a detachable handle as disclosed by Unger into the apparatus of Joyal for the purpose of storing the apparatus in a small place. Further, one of ordinary skill in the art would use nozzles arranged in different axis than the movement of the apparatus to cover larger area in one pass as disclosed in the apparatus of Unger.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyal as applied to claim 1 above, and further in view of Lawrence.**

Lawrence (6,131,831) discloses a portable apparatus for spraying undercarriage of an automobile, wherein a sprayer trigger gun is detachable (see Fig. 1)

It would have been obvious at the time applicant invented the claimed apparatus to include a detachable trigger gun as disclosed by Lawrence into the apparatus of Joyal for easily dismantle the apparatus for storage purposes.

**Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyal.**

Joyal was discussed supra. However, the reference fails to disclose that the fluid emanates from the nozzles at 4 inches above ground or the nozzle have a 50 degree spraying angle or nozzles are 3.75 inches apart from each other or handle is rigidly connected to the base.

It would have been obvious at the time applicant invented the claimed apparatus to find the distance of nozzles from the ground or from each other or spraying degrees by routine experimentation for better and efficient results. Further, one of ordinary skill in the art would use a rigid handle to connect the base for easy movement of the base since it is known in the art that rigid handle give better handling of the attached components.

**Claims 16, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyal.**

Joyal was discussed supra. However, the reference fails to disclose that all the wheels are freely-swiveling wheels coupled to the base.

It would have been obvious at the time applicant invented the claimed apparatus to replace wheels which are freely-swiveling instead of steerable wheels as disclosed by Joyal to manipulate the base without the control of the operator to steer the base and let the base to freely move under an automobile. Wheels which as freely-swiveling such as casters disclosed by Joyal are well known in the art for freely moving the body. Therefore, one of ordinary skill in the art would use casters if movement control of the body is not required and moving the body freely. Further, base having a I shape is matter of design choice and one of ordinary skill in the art would change the shape of the base so that the base would look good.

**Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joyal as applied to claim 16 above, and further in view of McIntosh**

Joyal was discussed supra. However, the reference fails to disclose that handle include a horizontal section and a section upward 135 degree angle relative to the first section.

McIntosh (GB-1,348,880) discloses a handle having a horizontal section and a section having upward section have angle (see Figs. 1-2).

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It would have been obvious at the time applicant invented the claimed apparatus to include a handle disclosed by McIntosh into the apparatus of Joyal for the purpose of extending the base under the vehicle.

**Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joyal as applied to claim 1 above, and further in view of Chan et al.**

Joyal was discussed supra. However, the reference fails to disclose that torso includes a central axis bar and two end cross-bars.

Chan et al (5,707,014) disclose a torso having central axis bar (14) and two cross-bars connected to the central axis bars having four wheels.

It would have been obvious at the time applicant invented the claimed apparatus to include a torso as disclosed by Chan et al into the apparatus of Joyal because both the references are disclosing apparatus for cleaning undercarriage of an automobile. Further one of ordinary skill in the art would manipulate the nozzles locations for better and efficient results.

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.*

*When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

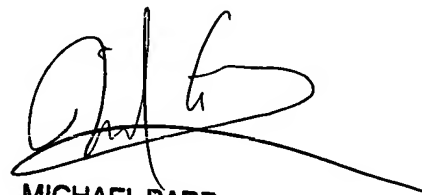
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***Saeed T. Chaudhry***  
***Patent Examiner***



**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**